

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kovacs *et al.*

Art Unit: 1655

Application No. 09/762,724

Filed: February 9, 2001

For: IDENTIFICATION OF A REGION OF THE  
MAJOR SURFACE GLYCOPROTEIN  
(MSG) GENE OF HUMAN  
PNEUMOCYSTIS CARINII

Examiner: Jeanine Anne Goldberg

Date: February 18, 2003

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on February 18, 2003, as First Class Mail in an envelope addressed to: COMMISSIONER FOR PATENTS, WASHINGTON D.C. 20231.

Tanya M. Harding, Ph.D.  
Attorney for Applicant

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TRANSMITTAL LETTER

COMMISSIONER FOR PATENTS  
WASHINGTON, DC 20231

Enclosed for filing in the application referenced above are the following:

- Summary of Examiner Interview
- The Director is hereby authorized to charge any additional fees that may be required to Deposit Account No. 02-4550. A copy of this sheet is enclosed.
- Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By

Tanya M. Harding, Ph.D.  
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Attorney Reference Number 4239-58054  
Application Number 09/762,724

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Art Unit: 1634

### CERTIFICATE OF MAILING

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### SUMMARY OF EXAMINER INTERVIEW

Applicants thank Examiner Goldberg for granting their representatives (Tanya M. Harding and Debra A. Gordon) a brief telephone interview on January 17, 2003, and for a follow up telephone call to Tanya M. Harding on the same day. The Examiner's interview summary has been received, attached to the new Office action (mailed February 3, 2003). Box (i) was not checked on the Examiner's interview summary, and so Applicants respectfully submit the following summary of the substance of the interview and follow up telephone call for the record.

An exhibit showing the alignment of highly conserved regions of Applicants' SEQ ID NOs: 1, 3, 5, 7, 9, 11 and 13 with a sequence disclosed by Garbe *et al.* (*Infection and Immunology*, 62(8):3092-3101) ("Garbe") was provided to the Examiner by facsimile prior to the telephone interview. No demonstration was conducted.

During the interview, all of the claims currently pending in the application were discussed, as was the Garbe reference. In particular, Applicants' representatives restated their belief that amendments filed with the response dated August 26, 2002, clearly distinguished the claimed subject matter from the Garbe reference. The Examiner agreed that the limitation in (for instance) claim 1, "wherein at least one oligonucleotide primer hybridizes to residues 2794-2886

of *HMSGp1* (SEQ ID NO: 1) . . . ,” overcame the prior art rejections based on Garbe. Examiner Goldberg indicated she would take the matter under further consideration. In the subsequent telephone call, Examiner Goldberg informed Tanya Harding that she was issuing a new final Office action that would supersede the previous final Office action, dated November 18, 2002.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

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